Response to Public Comments on Cathlamet Channel Net Pens
October 14, 2013

The Washington Department of Fish and Wildlife (Department) received numerous comments regarding the conditions under which a commercial fishery would occur if this project were implemented. The Department understands these questions and concerns, but reiterates that this SEPA addresses "rearing 250,000 juvenile hatchery spring Chinook in net pens on an annual basis for October to February, in the Cathlamet Channel, an off-channel area of the Columbia River." The time, place, and manner of any subsequent fisheries on returning adults will be determined by test fisheries conducted in the Cathlamet Channel, the North of Falcon fishery planning process, and through the Columbia River Compact.

Comments from Department of Ecology and Department response in italics

- It appears the pens will contain fish October through April. The document states that net pen installation and removal would take place in or near Oct and April. Ecology wants to make clear that net cleaning cannot take place over the water. The Ecology permitted net pens are allowed to lift and dry the nets over the water but must take them to an upland site for pressure washing and cleaning, to avoid discharging all the collected debris to surface waters.
    - *The standard of practice that we are following now is to pull the pens at release, let the pens drip dry on the docks, and then transport them back to Grays River Hatchery for cleaning and storage.*

- WDFW cites the current requirements for pen coverage under a NPDES permit (5,000 pounds of feed in the max month or 20,000 pounds of production in any calendar year). Ecology reserves the right to permit facilities that fall under these thresholds on a case-by-case basis IF Ecology determines they could be a significant contributor of pollution to waters of the state.
    - *Because of the extreme tidal exchanges that take place in this area, the effects of the fish food should be minimal.*

- Ecology would like the proponent to follow best management practices listed in the Upland Fin-fish Hatching and Rearing General Permit even if they are not required obtain the permit. This includes chemical usage and petroleum and chemical storage practices.
    - *All net pen operations follow these procedures. Moreover, chemical treatments at net pen sites are almost impossible to do and have never been the practice. The fish are treated chemically at our current net pen site. All treatments have been orally administered with the drug mixed in the feed.*

Comments from the Lower Columbia Fish Recovery Board and Department response in italics

- The Board's concern is that implementing the plan incrementally through a series of separate actions does not allow for review of the overall plan to ensure that it is consistent with the Recovery Plan. While each action may not reach a level of significance individually, the effect of all actions may very well reach a level of significance cumulatively. The current process of reviewing only individual actions does not allow for that broader review for consistency with the recovery plan.
    - *The Department will work with the Recovery Board and our other co-managers as we work through the implementation of this program and other programs associated with the Columbia River Basin Salmon Management Policy to ensure consistency with Endangered Species Act (ESA) requirements, Department policies, U.S. v Oregon agreements and salmonids recovery. The Department will use an adaptive management approach to address any issues.*

- Cathlamet Channel is very similar to Steamboat Slough; therefore, the potential exists for returning adult spring Chinook to be unable to effectively home to the release site and return to lower Columbia River tributaries instead. Additionally, if the fish do not spend an adequate amount of time in Cathlamet Channel, due to ineffective acclimation to the release site, they may not provide the catch necessary to support a Select Area commercial fishery.
    - *Agree this may occur. The Department will assess this as further information becomes available.*

- As new actions are proposed to implement the Columbia River Basin Salmon Management Policy, plans to monitor the outcome and potential impacts of these new programs needs to be clearly articulated and implemented. The proposal for the Cathlamet Channel Net Pens contains no information regarding monitoring either the fishery or escapement. Management of this proposed program to achieve fishery and Recovery Plan goals will require an adaptive management approach, and data regarding harvest in fisheries and escapement to natural spawning locations will be necessary to implement an adaptive management approach. Monitoring escapement will provide the data necessary to confirm the Hatchery Scientific Review Group (HSRG) statement and the Department's claim that a spring Chinook net pen program in Cathlamet Channel poses no risk to pHOS for tule fall Chinook due to differences in spawn timing and lack of nearby suitable habitat.
    - *The Department agrees that monitoring and adaptive management will be required to assess the proposed net pen program.*

- The monitoring program should also include a unique marking strategy for releases from the Cathlamet Channel Net Pens for the purposes of: 1) identify returning adults in natural spawning locations and 2) ensure that returning adults that stray to Cowlitz Salmon Hatchery are not incorporated into the brood stock used for the Cowlitz Spring Chinook program. The DNS for the Cathlamet Channel Net Pens should articulate what

information will be collected and how that information will be collected as part of the overall monitoring plan for the Columbia River basin salmon management policy.

- *Spring Chinook from the Cathlamet Channel Net Pen Program are not expected to stray as far as the Cowlitz River. The lower Cowlitz River spring Chinook population is not a primary or contributing population for recovery. The Department will have coded-wire tags in a portion of the fish released from the net pens from the initial 250,000 release and will be able to provide an analysis of this potential issue.*

- The proposed DNS for the Cathlamet Channel Net Pens focuses on impacts to listed spring Chinook, primarily those destined for the upper Columbia Basin. This fishery will occur during March through May, which is the peak migration time for wild winter steelhead destined for lower Columbia River tributaries. Assessment of impacts from the Cathlamet Channel Net Pen project, and resulting fisheries, needs to include wild steelhead, especially those destined for lower Columbia River tributaries such as the Elochoman River.
    - *The Department will monitor any commercial fishery that occurs in Cathlamet Channel for spring Chinook just as is currently done for commercial fisheries in the mainstem Columbia River. The impacts to wild winter steelhead in recent years in mainstem fisheries have been very low and well within the ESA limits.*

- Given the lack of an overall strategy and plan for implementing and monitoring the Columbia River Basin Salmon Management Policy, the continued implementation of parts of this plan through individual SEPA DNS proposals is inappropriate. It is not possible to assess the cumulative environmental impacts of the proposed actions when the actions continue to be proposed and reviewed in the absence of an overall implementation plan.
    - *The Department believes that an overall implementation policy is in place, and that an adaptive management approach can be used for implementation of the Columbia River Basin Salmon Management Policy and that cumulative impacts can be assessed.*

Comments from the Northwest Sport Fishing Industry Association and Department response in italics

- We understand that the Cathlamet Channel currently has at least eight active drift rights. This would inform us that the channel is an active migration corridor utilized by enough migrating Columbia River salmon to support an industrial endeavor, and suggesting that it may not fit the description of a true SAFE zone. A true SAFE Zone is usually a terminal, off channel area with a unique water source, which the Cathlamet Channel lacks. This could interfere with net pen fish homing to this area.
    - *The Department will monitor any fishery that occurs in Cathlamet Channel and will continue test fishing to gather information on stock composition.*

- If the Cathlamet Channel is chosen as a SAFE area, several key components of the exiting joint state management agreement could be jeopardized:
    1. By 2017, 20 percent of the ESA impacts will be the set aside to provide SAFE fisheries. An area that currently serves a commercial purpose would appear to have a high likelihood of eating into the mainstem sport allocation.
    2. During the Spring Chinook Fishery, existing SAFE areas have been known to utilize 15 percent impacts. This makes it necessary for new SAFE areas to have minimal interactions with upriver stocks, especially with production releases expected to increase significantly at existing SAFE sites. The Cathlamet Channel has the potential to use all the impacts and jeopardize the existing SAFE fisheries.
        - *Comments #1 and #2 above are associated with fisheries management and allocation. These issues will be addressed by the Department and the Oregon Department of Fish and Wildlife (ODFW) through implementation of fisheries in the mainstem Columbia River and SAFE areas, including the potential Cathlamet Channel area, through the Columbia River Compact.*

    3. We understand that small mesh gill nets are being contemplated to reduce up-river impacts. We are concerned that this gear may not be appropriate to ensure that the total of all SAFE areas will stay under 20 percent.
        - *See above.*

    4. Additionally this channel is the site of a robust recreational steelhead fishery, and small mesh gillnets are highly lethal to steelhead. Current mainstem gillnet fisheries do not switch to small mesh until the steelhead have migrated through. Using small mesh gillnets could be problematic for the fragile winter steelhead that are in the river during the spring and for other steelhead stocks if the site were to be used for species other than spring Chinook.
        - *As stated above, the Department will manage impacts to any ESA-listed stocks consistent with the Biological Opinion.*

Comments from the Coastal Conservation Association and WDFW response in italics

- There are a number of shortcomings with the DNS and responses to the environmental checklist. The first involves a lack of specificity and disclosure of information relied upon to determine that commercial gillnet fisheries can take place in Cathlamet Channel without having a significant impact on upriver salmon and steelhead migrating through the area. WDFW's response to checklist question # 8 is most illustrative here. In its response, the Department provides vague references to test fishing data from the spring of 2013 that reportedly shows low interception of non-target and ESA-listed salmonids, but does not provide more specific information.

  CCA recently received initial test fishing data from WDFW (see attached document dated August 15, 2013) that shows a high percentage of non-target upriver Chinook and steelhead that were caught in these test fisheries. In fact, as the attached data shows,

51% percent of the adult Chinook that were caught were of upriver origin, while only 49% were of lower river origin. Nearly 20 percent of these adult Chinook were unmarked, wild fish (and likely ESA-listed). It is difficult to understand how WDFW so easily concludes question #8 with "Cathlamet Channel is not a main migratory pathway for ESA-listed spring Chinook and that it is a promising location for locating net pens" when the data it recently made available to the public doesn't appear to support this conclusion.

- *The Department agrees that additional test fishing and analysis are needed prior to initiating a commercial fishery targeting adult returns from the proposed Cathlamet Net Pens. As noted in the introduction, this SEPA addresses "rearing 250,000 juvenile hatchery spring Chinook in net pens on an annual basis for October to February, in the Cathlamet Channel, an off-channel area of the Columbia River." The time, place, and manner of any subsequent fisheries on returning adults will be determined by test fisheries conducted in the Cathlamet Channel, the North of Falcon fishery planning process, and through the Columbia River Compact.*

- In a related issue, in response to question #5c WDFW asserts that "Based on test fishing results in Cathlamet Channel the interaction with migrating salmonids is expected to be much lower than in the mainstem Columbia River." However, WDFW has provided no baseline harvest impact data for the "mainstem" or compared that with the test fishing results for Cathlamet Channel. It provides the public with no detailed information to determine the magnitude of supposed reductions in harvest impacts between the two and simply concludes that it "is expected to be much lower." This is insufficient.
  - *See response to previous comment.*

- WDFW's apparent determination that the Cathlamet Channel net pens and resulting commercial gillnet fisheries will have no significant impacts on non-target and upriver fish populations also appears to ignore the findings of past studies and statements from commercial fishing representatives. In fact, in April of 2008 Salmon for All, an industry group representing commercial gillnet fishers, issued a white paper entitled "An Overview of the Select Area Fishery Enhancement Project." This document can be found at: http://www.salmonforall.org/wp-content/uploads/2010/05/SAFE-Overview-a-Salmon-For-All-white-paper.pdf In its description of Cathlamet Channel, Salmon for All noted that "Cathlamet Channel also is an important migratory route for listed upriver stocks", which is directly in conflict with WDFW's finding that "Cathlamet Channel is not a main migratory pathway for the ESA-listed spring Chinook." Many of these same issues were raised in the April 1995 "*Lower Columbia River Terminal Fisheries Research Project Final Environmental Assessment*" funded by the Bonneville Power Administration (BPA).
  - *See response to previous comment.*

- The DNS and environmental checklist also fail to disclose the likely adverse impact the net pens and resulting commercial gillnet fisheries will have on existing recreational

fisheries in the Cathlamet Channel. Question # 12 requires WDFW to outline impacts to recreation, but no effort was made to disclose how the commercial gillnet fisheries that will result from the net pens will lead to restrictions on recreational fisheries in the area. On the other hand, Salmon for All in its April 2008 White Paper noted that Cathlamet Channel and the other alternatives sites studied but not adopted in the BPA-funded study comprised "well-known and popular sportfishing locales."

- *See response to previous comment.*

- The DNS and environmental checklist also make little mention of likely impacts from the nets pens and gillnet fisheries to Columbia River basin steelhead, which are listed under the federal Endangered Species Act and as a gamefish are not legal for commercial harvest. The preliminary test fishing data provided by WDFW showed a 20 percent bycatch rate of steelhead in Cathlamet Channel test fisheries. This means for every 10 Chinook harvested, 2 Steelhead were caught, of which 1.1 were unmarked, wild steelhead. There is no mention in the DNS or environmental checklist outlining this data or explaining possible impacts to steelhead, which is a recreational species and for which increased commercial bycatch could harm ESA recovery efforts or limit recreational opportunity.
  - *The Department will monitor any commercial fishery that occurs in Cathlamet Channel for spring Chinook just as is currently done for commercial fisheries in the mainstem Columbia River. The impacts to wild winter steelhead in recent years in mainstem fisheries have been very low and well within the ESA limits. These issues will be addressed by the Department and ODFW through implementation of fisheries in the mainstem Columbia River and SAFE areas, including the potential Cathlamet Channel area, through the Columbia River Compact.*

- The DNS and environmental checklist also fail to consider what impacts returning hatchery fish from the net pen smolt production could have on local wild fish stocks if excess hatchery fish are unable to be harvested. This could occur either because planned commercial gillnet harvests are not approved due to their impacts on wild upriver stocks or an inability to harvest the fish returning to the new net pens in commercial fisheries. The "straying" of returning hatchery fish from SAFE areas to natural spawning areas is well documented in other areas and more consideration should be given to possible straying into rivers and streams neighboring Cathlamet.
  - *The Department believes that this net pen program can be implemented in a manner that is consistent with the WDFW Hatchery and Fishery Reform Policy and with the requirements of the ESA. The proposed program does not pose additional risks because of the lack of nearby spring Chinook populations and acceptable spring Chinook habitat and the difference in spawn timing between spring and fall Chinook populations. There are weirs currently on the Grays and Elochoman rivers that will be in place during the fall spawning time frame. The Department will have coded-wire tags in a portion of the fish released from the*

net pens from the initial 250,000 release and will be able to provide an analysis of this potential issue.

- The environmental checklist and DNS inaccurately describe the Cathlamet Channel as an "off-channel" area. Unlike Youngs Bay in Oregon, or Deep River in Washington, Cathlamet Channel is not an "off-channel" area. StreamNet is administered by the Pacific States Marine Fisheries Commission and counts a number of federal and state agencies, included WDFW, as participating agencies. StreamNet exists in part to standardize data across these multiple agencies. In a glossary of terms available on its website (http://www.streamnet.org/glossarystream.html) StreamNet provides the following relevant definition:
  Off-channel area -- Any relatively calm portion of a stream outside of the main flow.
  Cathlamet Channel clearly does not meet this definition and should more accurately be described as a "side channel" or "secondary channel" to provide the public with a more accurate description of what is being proposed and the potential impacts on the natural environment and migrating fish populations.
  - *Denoting Cathlamet Channel as a side channel may be a better description of the area.*

Comments from Gary Mueller and WDFW response in italics

- I OPPOSE the use of the Cathlamet Channel for Commercial Gillnetting. This is based on the FACT that the Cathlamet channel is used by a sizeable amount of native (unclipped) salmon migrating upstream. The Cathlamet Channel SHOULD NOT be considered a SAFE area because many of this upstream migrating native (unclipped) Salmon are DOOMED to be intercepted by the gillnets and suffer MORTALITY. The Cathlamet Channel should be used for SELECTIVE harvest only.
  - *The Department agrees that additional test fishing and analysis are needed prior to initiating a commercial fishery targeting adult returns from the proposed Cathlamet Net Pens. As noted in the introduction, this SEPA addresses "rearing 250,000 juvenile hatchery spring Chinook in net pens on an annual basis for October to February, in the Cathlamet Channel, an off-channel area of the Columbia River." The time, place, and manner of any subsequent fisheries on returning adults will be determined by test fisheries conducted in the Cathlamet Channel, the North of Falcon fishery planning process, and through the Columbia River Compact.*